

Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fees provided by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, and the requestor's contentions on each such issue, and a summary of the evidence relied upon by the objection (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: there is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [PP 2F4154/R2136] (including objections and hearing requests submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132, Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Written objections and hearing requests, identified by the document control number [PP 2F4154/R2136], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at: opp-docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public

version, as described above will be kept in paper form. Accordingly, EPA will transfer any objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all objections and hearing requests submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 10, 1995.

**Stephen L. Johnson,**

*Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR part 180 is amended as follows:

#### PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 371.

b. In § 180.480, by amending paragraph (a) in the table therein by adding and alphabetically inserting the raw agricultural commodity bananas, to read as follows:

#### § 180.480 Fenbuconazole; tolerances for residues.

(a) \* \* \*

Commodity	Parts per million
Bananas (whole fruit)	0.3 (of which not more than 0.05 ppm is contained in the banana pulp).
* * *	* *

\* \* \*

[FR Doc. 95-12743 Filed 5-23-95; 8:45 am]

BILLING CODE 6560-50-F

#### 40 CFR Part 180

[PP 4E4359/R2127; FRL-4936-3]

RIN 2070-AB78

#### Paraquat; Pesticide Tolerances

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This document establishes tolerances for residues of the desiccant, defoliant, and herbicide paraquat in or on the raw agricultural commodities lentils, lentil forage, and lentil hay. The Interregional Research Project No. 4 (IR-4) requested this regulation to establish the maximum permissible levels for residues of paraquat in or on the commodities, and EPA has found that paraquat is useful and safe for the requested tolerances.

**EFFECTIVE DATE:** This regulation becomes effective May 24, 1995.

**ADDRESSES:** Written objections and hearing requests, identified by the document control number, [PP 4E4359/R2127], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees

accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [4E4359/R2127]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

**FOR FURTHER INFORMATION CONTACT:** By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Hwy., Arlington, VA 22202, (703)-308-8783; e-mail: jamerson.hoyt@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of March 15, 1995 (60 FR 13939), EPA issued a proposed rule that gave notice that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition (PP) 4E4359 to EPA on behalf of the Agricultural Experiment Stations of Idaho and Washington. The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.205 by

establishing tolerances for residues of paraquat (1,1'-dimethyl-4,4'-bipyridinium-ion) derived from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation), in or on the raw agricultural commodities lentils at 0.3 part per million (ppm), lentil forage at 0.1 ppm, and lentil hay at 0.4 ppm.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted with the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections and/or request a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [PP 4E4359/R2127] (including any objections and hearing requests submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to

4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

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Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a "significant regulatory action" as an action that is likely to result in a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal

mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of the Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 10, 1995.

**Peter Caulkins,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR part 180 is amended as follows:

#### PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 371.

2. In § 180.205, paragraph (a) is amended in the table therein by adding and alphabetically inserting entries for the raw agricultural commodities lentils, lentil forage, and lentil hay, to read as follows:

#### § 180.205 Paraquat; tolerances for residues.

(a) \* \* \*

Commodity	Parts per million
* * * *	*
Lentils .....	0.3
Lentil, forage .....	0.1
Lentil, hay .....	0.4
* * * *	*

\* \* \* \* \*

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BILLING CODE 6560-50-F

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 15

[GEN Docket No. 90-314, FCC 95-167]

#### Unlicensed Personal Communications Services; Radio Frequency Devices

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** By this action, the Commission affirms its designation of UTAM, Inc., to manage the transition of the 1910-1930 MHz band from the Private Operational Fixed Microwave Service to unlicensed Personal Communication Service (PCS) operations. Further, the Commission accepts UTAM's plan for the relocation of fixed microwave operations from this spectrum and the deployment of unlicensed PCS devices. The Commission is requiring UTAM to submit reports at six-month intervals on the progress of the plan's implementation. UTAM's management of the transition of the 1910-1930 MHz band will help to ensure that new and innovative unlicensed PCS devices, such as wireless PBX equipment, wireless messaging systems, wireless local area networks, and a broad range of data communication products, are made available as rapidly as possible without disrupting fixed microwave service.

**EFFECTIVE DATE:** June 23, 1995.

**FOR FURTHER INFORMATION CONTACT:** David L. Means, Office of Engineering and Technology, New Technology Development Division, (301) 725-1585, extension 206.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Fourth Memorandum Opinion and Order, FCC 95-167, adopted April 19, 1995, and released May 12, 1995. The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. Copies may also be purchased from the Commission's duplicating contractor, International Transcription Services, at (202) 857-3800 or 2100 M Street, NW., Suite 140, Washington, DC 20037.

#### Summary of the Memorandum Opinion and Order

1. This *Fourth Memorandum Opinion and Order* affirms its designation of UTAM, Inc., to manage the transition of the 1910-1930 MHz band from the Private Operational Fixed Microwave

Service to unlicensed Personal Communication Service (PCS) operations. Further, the Commission accepts UTAM's plan for the relocation of fixed microwave operations from this spectrum and the deployment of unlicensed PCS devices. The Commission is requiring UTAM to submit reports at six-month intervals on the progress of the plan's implementation.

2. The 1910-1930 MHz band is currently occupied by 383 fixed point-to-point microwave links. In the *Second Report and Order*, 58 FR 59174, November 8, 1993, the Commission designated UTAM as the coordinator for the transition of the unlicensed PCS band from the fixed microwave service to unlicensed PCS, conditioned on UTAM's submission and the Commission's acceptance of: (1) A funding plan that is equitable to all prospective manufacturers of unlicensed devices, and (2) a plan for "band clearing" that will permit the implementation of nomadic devices and, in particular, nomadic data PCS devices, as promptly as possible.

3. On August 1, 1994, UTAM, Inc., submitted its plan for managing the transition of the 1910-1930 MHz band to use by unlicensed PCS operations. The UTAM plan describes UTAM's organization and governance, financing plan, bank clearing plan, coordination procedures, protection of proprietary information, dispute resolution procedures and UTAM's plans for ending its coordination role and dissolving itself.

4. We find that UTAM's cost and revenue projections are reasonable. These projections appear to be based on conservative estimates and to allow for situations where a revenue source may develop somewhat slowly. While we recognize that there is always some uncertainty in making such projections, we are convinced that there will eventually be sufficient revenues to totally fund relocation of the microwave incumbents. It seems fair to assume the PCS licensees will bear approximately half the cost of relocating the incumbent microwave links in the 1910-1930 MHz band, since these links are paired with links in the licensed PCS spectrum. We agree with UTAM that its estimate of the cost for relocating each link is conservative, which should provide some margin if UTAM is faced with relocating more links than it anticipates. We do not agree with arguments that the relocation of links would be disrupted if there are funding shortfalls. We note, in particular, that UTAM will not initiate relocation negotiations until adequate funding is available. Further,